

IN RE: PETITION FOR ADMIN. VARIANCE
W/S Harewood Road, 237.25' S of the
C/I of Ebenezer Road
(12602 Harewood Avenue)
15th Election District
5th Councilmanic District

Julian O. Martinez, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-344-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Julian O. and Carmen M. Martinez. The Petitioners seek relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached shed) to be located in the side yard in lieu of the required rear yard. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance

ORDER RECEIVED FOR FILING

Date

By

with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 1st day of April, 1999 that the Petition for Administrative Variance seek relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached shed) to be located in the side yard in lieu of the required rear yard , in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

TMK:bjs


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date 4/1/99

By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

April 2, 1999

Mr. & Mrs. Julian O. Martinez
12602 Harewood Road
Baltimore, Maryland 21220

RE: PETITION FOR ADMINISTRATIVE VARIANCE
W/S Harewood Road, 237.25' S of the c/l Ebenezer Road
(12602 Harewood Road)
15th Election District – 5th Councilmanic District
Julian O. Martinez, et ux - Petitioners
Case No. 99-344-A

Dear Mr. & Mrs. Martinez:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel; Case File



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 12602 Harewood Road

which is presently zoned DR1

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 To allow an accessory structure (detached shed) to be located in the side yard in lieu of the required rear yard.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Julian O. Martinez

Name - Type or Print

Signature

Carmen M. Martinez

Name - Type or Print

Signature

12602 Harewood Road 410.335.4403

Address

Telephone No.

Baltimore, Md. 21220

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

Zoning Commissioner of Baltimore County

CASE NO. 99-344-A

Reviewed By [Signature]

Date 3-5-99

Estimated Posting Date 3-14-99

ORDER RECEIVED FOR FILING
MAR 11 1999
DATE 3/5/99

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 12602 HATWOOD RD
Address
Baltimore MD 21220
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

Due to the irregular shape of the property, the shed must sit next to the house. Also the development of the woods @ Bay Country requires all sheds to be placed next to the house.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Julian Martinez
Signature
JULIAN MARTINEZ
Name - Type or Print

Carmen M. Martinez
Signature
CARMEN M. MARTINEZ
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 17th day of February, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Carmen Martinez & Julian Martinez
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

2/17/99
Date

Rosemary L. Podhorniak
Notary Public

My Commission Expires 8/7/01

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 12602 HAREWOOD R-D
Address
Baltimore MD 21220
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

Due to the irregular shape of the property, the shed must sit next to the house. Also the development of the woods @ Bay Country requires all sheds to be placed next to the house.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Julian Martinez
Signature
JULIAN MARTINEZ
Name - Type or Print

Carmen M. Martinez
Signature
CARMEN M. MARTINEZ
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 17th day of February 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Carmen Martinez & Julian Martinez
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal

2/17/99
Date

Rosemary L. Podhorniak
Notary Public
My Commission Expires 8/7/01



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 12602 Harewood Road

which is presently zoned DR-1

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 To allow an

accessory structure (detached garage) to be located in the side yard in lieu of the required rear yard-

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Julian O. Martinez

Name - Type or Print

Julian O. Martinez

Signature

Carmen M. Martinez

Name - Type or Print

Carmen M. Martinez

Signature

12602 Harewood Road 410.335.4403

Address Telephone No.

Baltimore, Md. 21220

City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 99-344-A

Reviewed By JR Date 3-5-99

REV 9/15/98

Estimated Posting Date 3-14-99

✓

ZONING DESCRIPTION

Zoning Description for: 12602 Harewood Road

Beginning at a point on the West side of

Harewood Road which is variable width wide at the

distance of 237.25 feet south of the

centerline of the nearest improved intersecting street Ebenezer

Road which is 100 feet wide. Being Lot # 6, Block

---, Section # --- in the subdivision of

Woods at Bay Country as recorded in Baltimore County

Plat Book # SM 62, Folio # 8, containing

7000 square feet. Also known as 12602 Harewood Road

and located in the 15 Election District, 5 Councilmatic

District.

344

99.344.A

A. H. E. P. P

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Typed 3114
No. 062315

DATE 3-5-99 ACCOUNT R-001-6150

AMOUNT \$ 50.00

RECEIVED FROM: Ms. Martinez

FOR: Residential Variance Filing Fee
12602 Horewood Rd. (21220)

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PROCESS: ACTUAL
3/05/1999 3/05/1999 10:12:54
REC: 0503 CASHIER PMS PER INQUIRY
5 MISCELLANEOUS CASH RECEIPT
Receipt # 07593
CR NO. 062315

OFFICE

50.00 CASH
Baltimore County, Maryland

CASHIER'S VALIDATION

99.344-A

CERTIFICATE OF POSTING

RE: CASE # 99-344-A

PETITIONER/DEVELOPER:

(Carmen Martinez)

DATE OF Closing

(Mar 29, 1999)

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

ATTENTION : MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property located at
12602 Harewood Road Baltimore, Maryland 21220_____

12-99_____

[Month, Day, Year]

Sincerely,


[Signature of Sign Poster & Date]

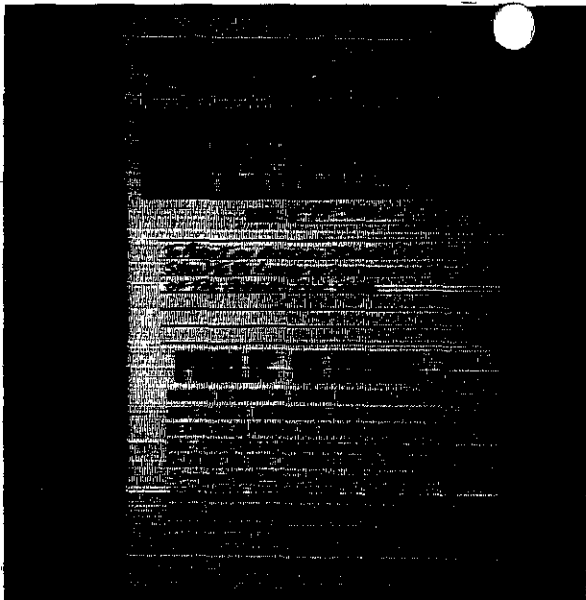
____ Thomas P. Ogle, Sr. _____

____ 325 Nicholson Road _____

____ Baltimore, Maryland 21221 _____

____ (410)-687-8405 _____

[Telephone Number]



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 99- 344 -AAddress 12602 Harewood RdContact Person: John Sullivan
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 3-5-99Posting Date: 3-14-99Closing Date: 3-29-99

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMATCase Number 99- 344 -AAddress 12602 Harewood RdPetitioner's Name Carmen MartinezTelephone (410) 335-4403Posting Date: 3-14-99Closing Date: 3-29-99

Wording for Sign: To Permit an accessory structure (detached shed)
to be located in the side yard in lieu of the required
rear yard.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 99-344-A

Petitioner: Julian & Carmen Martinez

Address or Location: 12602 Harewood Rd (BALTO. 21220)

PLEASE FORWARD ADVERTISING BILL TO:

Name: Same

Address: _____

Telephone Number: (410) 335-4403



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

March 29, 1999

Mr. & Mrs. Julian Martinez
12602 Harewood Road
Baltimore, MD 21220

RE: Case No.: 99-344-A
Petitioner: Mr. & Mrs. Martinez
Location: 12602 Harewood Road

Dear Mr. & Mrs. Martinez:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on March 14, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." followed by a stylized flourish.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: March 19, 1999

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 12602 Harewood Avenue

INFORMATION:

Item Number: 344

Petitioner: Martinez Property

Zoning: DR-1

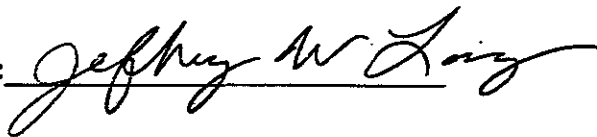
Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not support the request to allow an accessory structure to be situated in the side yard. The site is located in the Woods at Bay Country subdivision. Because of the overabundance of panhandle lots, the development already has an over developed appearance. An accessory structure, as shown on the plan accompanying the variance request, would further exacerbate existing development conditions.

If there should be any questions regarding the subject request, please contact Karin Brown, Fifth District Community Planner, at 410-887-3480.

Section Chief:



AFK/JL:



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 3.14.99

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204


RE: Baltimore County
Item No. 344 JJS

Dear Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,


to Michael M. Lenhart, Acting Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development Management

DATE: 3/22/99

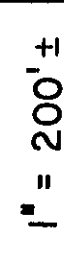
FROM: R. Bruce Seeley, Project Manager
Development Coordination
DEPRM

SUBJECT: Zoning Advisory Committee

Distribution Meeting Date: 3/15/99

The Department of Environmental Protection and Resource Management has
no comments for the following Zoning Advisory Committee Items:

Item #'s: 338
339
342
344
#99-302-X



IMORE COUNTY

Y COUNTRY 61/98
SIA P/W FILED 47404 & 47405

TAX ACT # 22 00 000 867

#12606

ROAD

ZONING-DR-1 MAP# NE 7L

WATER + SEWER PUBLIC.

NOT IN CBA

FLOOD ZONE C (MAP # 0455)
ELEVATION 20' (Map # NE, 7-4)

Lot Size. 7,000 sq ft

~~THE UNDERSIGNED~~

ARE RESPONSIBLE FOR THE
ACCURACY OF ALL INFO. ③
AS DRAWN AND PROV - ②
IDED (FOR THIS PETITION)
FILING) BY BALTO. CO.

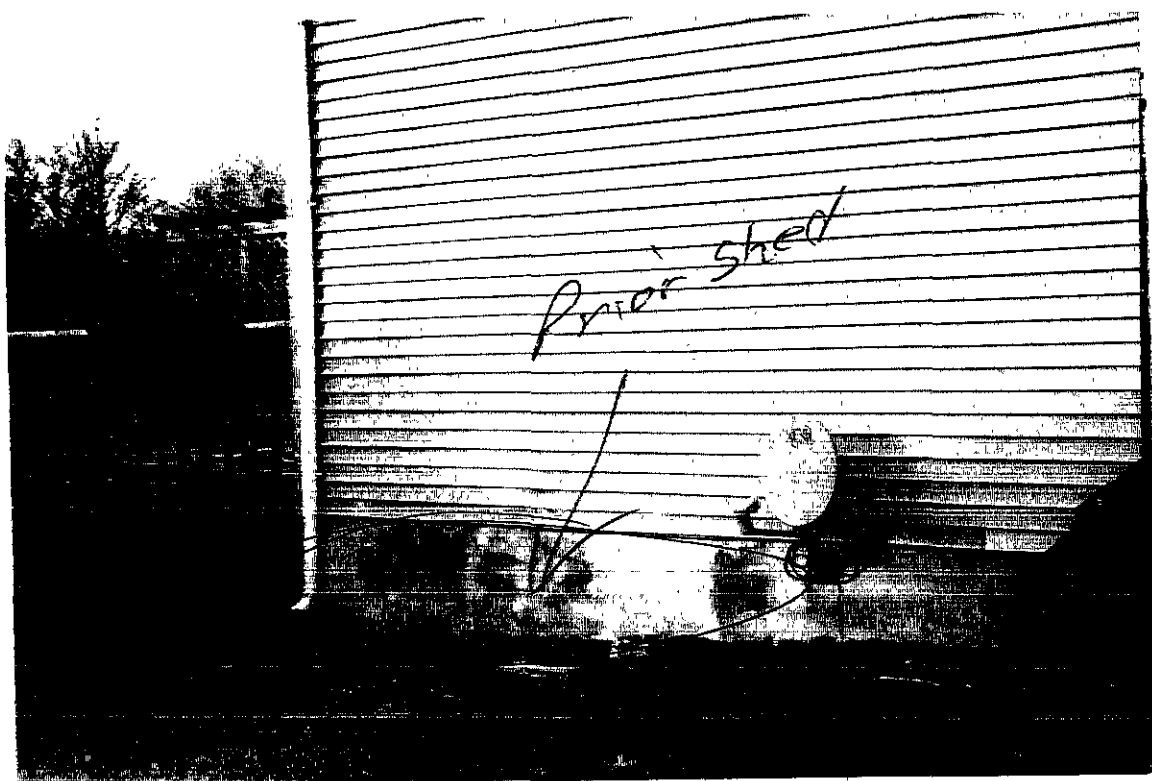
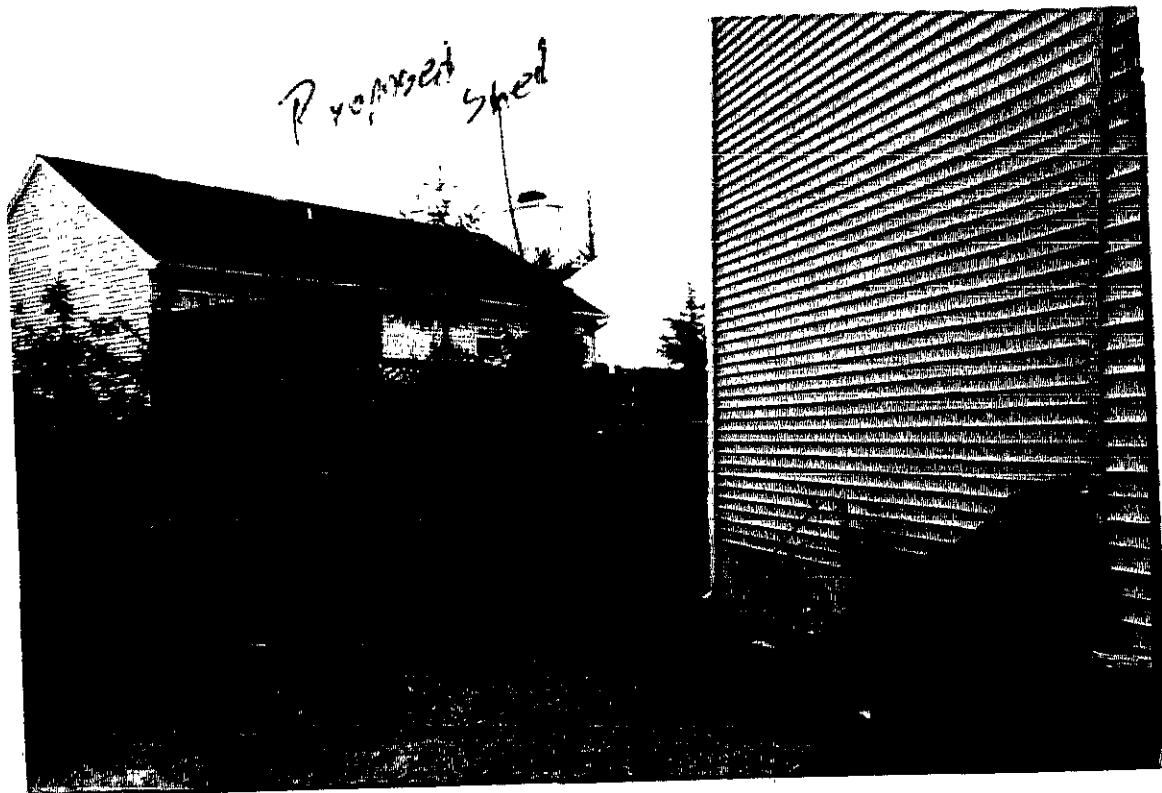
PLAN FOR Zoning VARIANCE

SCALE 1" = 50 FT
ELECTION DIST. #15
CANCEL DIST. #5

99.344-A



99-344-A



99.344-A



99.344.A

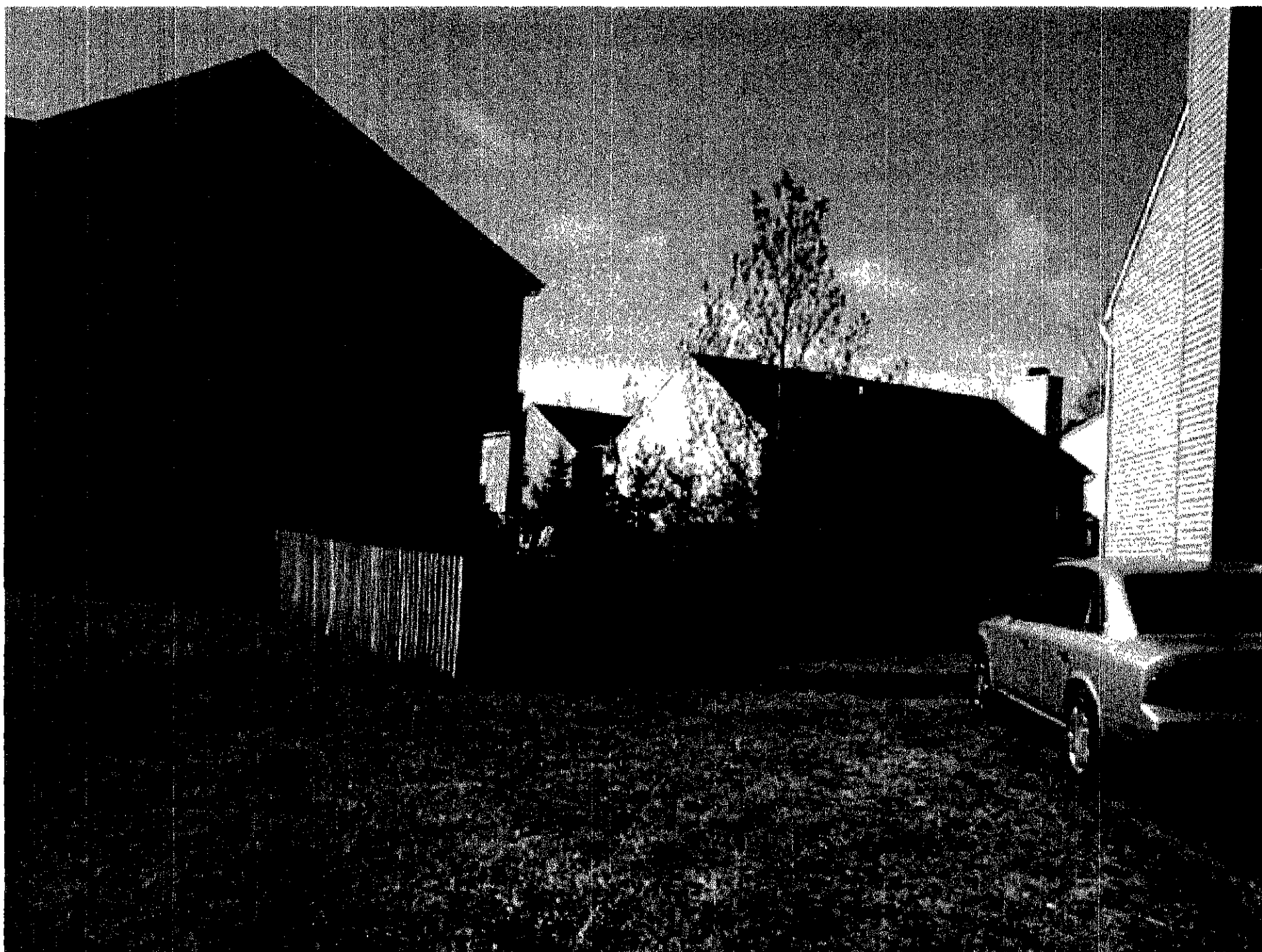


Image07

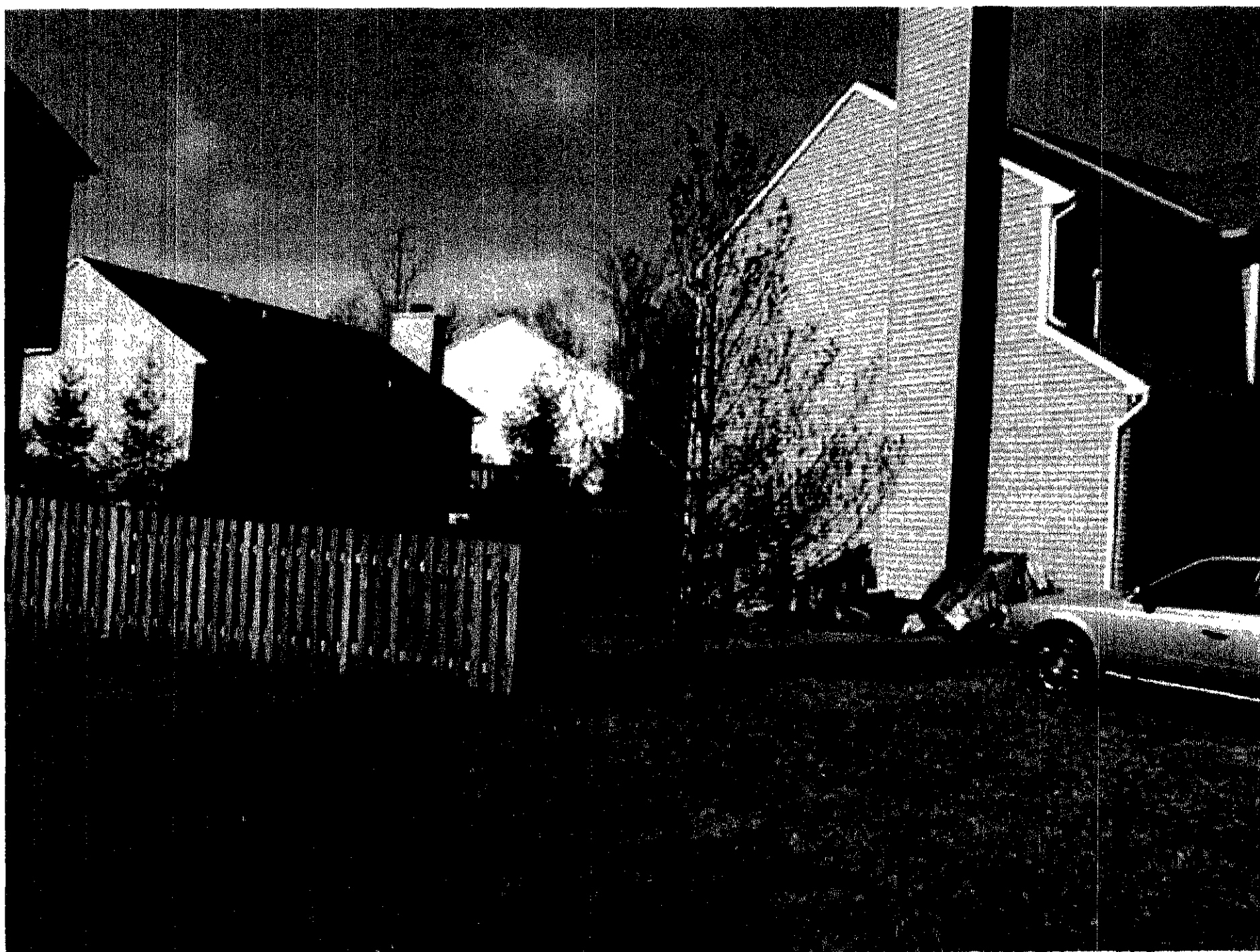
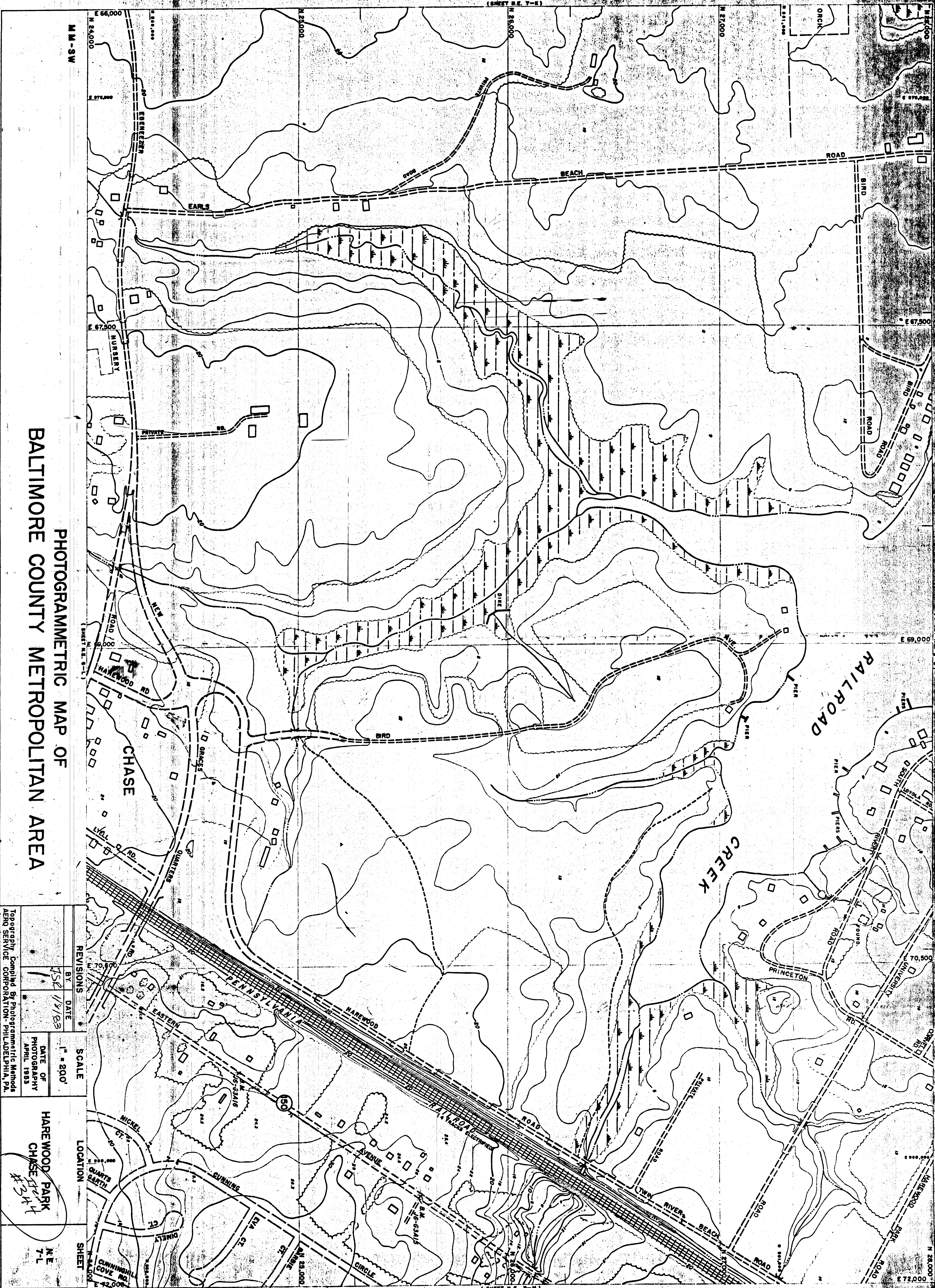


Image09



PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS		SCALE		LOCATION	
NO.	DATE	1" = 200'			SHEET
1	11/1/83			HAREWOOD PARK CHASE	NE 7-L
Topography Compiled by Photogrammetric Methods AERO SERVICE CORPORATION - PHILADELPHIA, PA.					

99-344-A



PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 25401

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION

HAREWOOD PARK
CHASE

SHEET

NE
7-L

99-344-A

Item
344